

Brighter Futures

SAFEGUARDING VULNERABLE ADULTS POLICY



2021 POLICY DOCUMENT

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Brighter Futures (BF) Safeguarding Vulnerable Adults at risk Policy is aimed at safe guarding the welfare of vulnerable adults over the age of 18 when information is received from a service user, volunteer, support worker and/or staff member that constitutes a case of suspected abuse by ensuring that:

- There are clear guidelines on how to respond appropriately to any cases of suspected abuse
- There are clear guidelines on the boundaries of service user confidentiality in respect of safeguarding vulnerable adults.

Brighter Futures accepts that:

- Vulnerable Adults have the right to protection from neglect and from physical, emotional, sexual abuse or financial.
- All "citizens and practitioners" have a responsibility for the protection of others and for sharing their concerns with safeguarding adult agencies.

Staff Notice: If you're unsure, always seek advice, employee and volunteers can at any-time contact the safeguarding advisor aka (Designated Safeguarding Officer). If he/she is cannot be reached / is unavailable, please contact Denbighshire Social Services (0300 4561000) or the police (101 or 999) for guidance.

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The 3 individuals form the safeguarding team.

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1. Objectives

- To work in a preventative manner to protect vulnerable adults from being abused
- To respond sensitively and coherently to reported incidents of self-neglect and abuse in a consistent manner, in accordance with this policy
- To co-ordinate action and services in order to best protect and assist vulnerable adults
- To ensure the safety of vulnerable adults by integrating strategies policies and services relevant to abuse within the framework of all relevant legislation
- To ensure that adults identified as vulnerable have a right to confidentiality. In so far as it is consistent with this right, Brighter Futures should seek to share information with all agencies to ensure the safety and well being of those individuals

2. Introduction

Brighter Futures works with people in the community "from cradle to grave" Safeguarding Vulnerable Adults is an essential part of our commitment to our work in Rhyl and the surrounding area's.

There are multidisciplinary policy and procedures in place, the police, health trusts and voluntary and independent sector for the alerting and investigating adult abuse. Therefore, all adult protection investigations at Brighter Futures are should be undertaken jointly with other agencies if possible. If a criminal offence has been committed the police will take the lead in the investigation.

The characteristics of adult abuse can take a number of forms and cause victims to suffer pain, fear and distress reaching well beyond the time of the actual incident(s). Victims may be too afraid or embarrassed to raise any complaint. They may be reluctant to discuss their concerns with other people or unsure who to trust or approach with their worries.

There may be some situations where victims are unaware that they are being abused or have difficulty in communicating this information to others.

3. Definition of a 'Vulnerable Adult'

The broad definition of a "vulnerable adult" is taken from "No Secrets" - Section 2.3:

A vulnerable adult is a person "who is or may be in need of community care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation".

(See "No Secrets" - Section 2.3)

This may include a person who:

- Is elderly or frail
- Has a mental health difficulty
- Has a physical disability
- Has a learning disability
- Has a severe physical illness

This may also include the below, where the person receives care and is unable to protect themselves:

- Is a substance misuser
- Is homeless
- Is in an abusive relationship

An adult at risk definition under Social Services and Well-being (Wales) Act 2014 Describes anyone over 18 years of age who is experiencing or is at risk of abuse or neglect and has needs for care and support (whether or not the

authority is meeting any of those needs), and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.(S 126 of the Social Services and Well-being Act 2014)

4. What is Abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons (See "No Secrets" - Section 2.5) and Wales Safeguarding Procedures glossary: Abuse

This describes physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place). Abuse can consist of a single act or repeated acts. It may be physical, verbal or psychological. It may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented and cannot consent.

Abuse can occur in any relationship and may result in significant harm to or exploitation of, the person subjected to it (See "No Secrets" - Section 2.6). It can take a number of forms:

- Physical abuse e.g. hitting, pushing, shaking, inappropriate restraint, neglect or abandonment
- Sexual abuse e.g. involvement in any sexual activity against his/her will, exposure to pornography, voyeurism and exhibitionism
- Emotional/psychological abuse e.g. intimidation or humiliation
- Financial abuse e.g. theft or exerting improper pressure to sign over money from pensions or savings etc
- Discriminatory abuse e.g. racial, sexual or religious harassment
- Personal exploitation - involves denying an individual his/her rights to forcing him/her to perform tasks that are against his/her will
- Violation of rights e.g. preventing an individual speaking his/her thoughts and opinions
- Institutional abuse e.g. when the routines, systems and norms of an institution compel individuals to sacrifice their own preferred style and cultural diversity to the needs of the institution
- Neglect and acts of omission e.g. ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating

Under the Mental Capacity Act 2005 wilful neglect and ill treatment become a criminal offence.

5. Definition of Significant Harm

The concept of significant harm helps to determine how serious or extensive abuse must be to justify intervention.

"...harm should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment that are not physical); the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, emotional, social or behavioural development" (From "who decides" Lord Chancellors Department 1997)

6. Who might abuse?

"Abuse of vulnerable adults may be perpetrated by a wide range of people including relatives and family members, professional staff, paid care workers, volunteers, other service users, neighbours, friends and associates, people who deliberately exploit vulnerable people and strangers." (No Secrets Department of Health 2000)

7. Issues of capacity and consent

An individual's capacity refers to their ability to make a decision for themselves based on information available to them. Individuals will be assumed to have the capacity to make informed decisions, unless there is clear evidence to the contrary. Vulnerable adults should be supported to make their own decisions based on an awareness of the choices available. In all instances where a person demonstrates a lack of capacity in relation to a specific area or decision, everything which is done must be based upon an assessment of that person's best interest. To lack capacity a person must have a mental impairment.

In cases where there is evidence that a vulnerable adult lacks capacity to make specific decisions, where appropriate, provision will be made to find a suitable independent person to represent their best interest. A referral to the Statutory Agency is appropriate.

When there is a question over an individual's capacity the following should be considered.

Can the individual:

- Understand in simple language what is being proposed, its purpose and nature and why it is being suggested
- Understand the principle benefits and risks and options available
- Understand in broad terms the consequences of not following an option
- Retain the information for long enough to make an effective decision
- Make a free choice

The primary 4 points a professional should consider are:

- Understand the decision
- Retain information about the decision
- Use and assess information about the decision
- Communicate their decision

Further information can be obtained from <https://www.safeguarding.wales/adu/a2/a2.p13.html?highlight=consent>

8. Brighter Futures Guidelines

The following policy guidelines deal with the issues of recognition; appropriate response; service user confidentiality and training.

Information given to an individual member of staff/volunteer belongs to Brighter Futures and not the individual member of staff/volunteer. Therefore, decisions to share information about a service user with other agencies, without their consent, should be made by Brighter Futures board or safeguarding advisor and not one individual acting on their own. Although the views and wishes of the service user will normally be respected when sharing information, a fully confidential service cannot be guaranteed (Please refer to Brighter Futures Confidentiality Policy). There will always be exceptional circumstances when a duty to protect the wider public interest or the individual will outweigh the responsibility to any one individual.

Service users should be advised why and with whom information will be shared.

Information about service users should only be shared within Brighter Futures on a need to know basis when it is in the best interests of the service user and to support the effective delivery of services to that service user.

Staff/volunteers have a clear responsibility to report any concerns they may have relating to abuse, or suspected abuse, of a child or vulnerable adult to their line manager at the earliest opportunity.

9. Alerting Procedure

In the event of disclosure of information:

In all cases where a person is in immediate danger, urgent action must be taken at once.

The member of staff/volunteer involved should seek line management. All information should be recorded as soon as possible after the event.

Where Brighter Futures has a statutory duty to disclose information concerning a safeguarding issue this should be done with the agreement of a line manager and/or a Brighter Futures Committee Member. The Brighter Futures Committee Member has a responsibility for informing Social Services or if the risk is considered immediate, the police. Social Services or the police have the responsibility for deciding if a formal investigation needs to be undertaken.

Contact numbers for Social Services are kept in the Brighter Futures office.

The member of staff/volunteer should not confront or give any information to anyone who is alleged to be responsible for what has happened.

All records will be maintained in accordance with the Data Protection Act 2018 and GDPR (see Brighter Futures Data Protection Policy P10).

Throughout all situations seeking to protect vulnerable adults, the guiding principle is that any decision not to maintain full confidentiality should be proportionate to the perceived degree of risk.

If information is received about possible abuse from a member of public or other third party, it is important to consider how effective the information will be if they are not prepared to be identified or to come forward as a witness. Where legal proceedings are involved it may not be possible to guarantee anonymity.

10. Discussion and decision making between the Alerter and Line Manager

Concerns about suspected abuse must be reported to the Line Manager at the earliest opportunity. The Line Manager will take a decision whether to refer the incident to the appropriate Adult Social Care or Mental Health Team.

Deciding whether to refer to another agency is crucial. The decision should make reference to:

- The wishes of the adult
- Known indicators of abuse
- Definitions of abuse
- Circumstances in which a vulnerable adult's wishes may be overridden
- The mental capacity of the adult
- The level of risk to the individual
- The level of risk to others (public interest considerations)

If it is decided that a referral to Statutory Service is appropriate, the referral should be made to the relevant department at the earliest opportunity.

As soon as the referral is made, Social Services become the lead agency and will co-ordinate any action that is required and are responsible for deciding if they will be carrying out an investigation.

Every adult protection alert must receive a clear response from the statutory services regardless of whether or not an adult protection investigation is to take place.

Regardless of whether a statutory referral is made or not, steps must be taken to support the individual and where appropriate protect them from future abuse.

11. Police Involvement

The police will lead on Adult Protection arrangements where there is evidence that a serious crime has been committed. The police are available for advice and consultation at an early stage.

If there is the possibility of a criminal offence having occurred and the Service User wishes to involve the Police, it is important to ensure the criminal investigation takes precedence.

In situations where the service user is unwilling to make a formal complaint to the Police, Brighter Futures should give careful consideration as to whether it has a duty to report the matter to the Police directly. The decision should be based on the risk to the service user, the risk to others and seriousness of the allegation. If a service user lacks the capacity to consent, the Brighter Futures staff involved should make a decision in the best interests of the service user. This decision should be made in consultation with the relevant line manager and Committee Member.

Decisions will be taken with careful justification when reporting against the client's wishes, however things go wrong more often by someone failing to alert, than alerting and offending the client. Any case of abuse by a professional should always be referred because of that person's access to other vulnerable people.

For additional information see Wales Safeguarding Procedures section 5, allegations against practitioners <https://www.safeguarding.wales/adu/index.a5.html>

Where the vulnerable adult(s) states that they do not want the situation disclosed further or reported the situation should be discussed with line management at the earliest opportunity and consideration given:

- To the seriousness
- To the involvement of staff/paid carers or volunteers
- Whether anyone else is being put at risk

Further discussion with the Police or Social Services team may be required.

12. Cases where allegations are made against a Brighter Futures member of staff/volunteer

If an allegation is made against a member of staff or volunteer, their line manager should be informed immediately.

In a situation where the line manager cannot be accessed, the allegation should be reported to a Committee Member.

It is the responsibility of the Committee Member to report the allegation to the Chair and if required where regulated activity is undertaken, then also to the DBS.

The relevant BF Procedure should be followed, Complaints, disciplinary procedures, and onwards reporting procedures whichever is suitable to the situation.

13. Management responsibilities

The line manager, in consultation with the safeguarding advisor / Committee Member, will need to clarify the action to be taken in accordance with personnel procedures. It is important to ensure that the action taken:

- Protects the rights and wishes of the vulnerable adult
- Protects the rights of the member of staff/volunteer concerned
- Enables the managers to take appropriate action either on behalf of the vulnerable adult or against the staff member/volunteer where appropriate.

The Committee Member may need to suspend from work the staff member/volunteer involved in the allegation, whilst the allegation that has been made is investigated.

14. Implementation

- Brighter Futures performs DBS checks on all staff and volunteers via Ucheck.
- All staff/volunteers will be made aware of internal reporting procedures and will be aware of local statutory arrangements in respect of the disclosure or discovery of abuse.
- All staff/volunteers will receive supervision and support in their work with vulnerable adults.
- the Brighter Futures premises where vulnerable adults may visit or reside will be risk assessed to ensure a safe environment.
- The Safeguarding Vulnerable Adults policy will be reviewed annually, at which point obstacles to reporting abuse will be assessed.
- Staff induction and the training of volunteers will include all policies and the requirement to abide by them. In-house service providers will also be made familiar with the Safeguarding Vulnerable Adults Policy.

15. Guidance for Reporter's - Responding, reporting and recording

If you believe that the vulnerable adult(s) has suffered or is in immediate risk of suffering significant harm, for example, physical or sexual assault or theft of their property, then you should Access and follow the Wales Safeguarding Procedures www.safeguarding.wales and be prepared to contact the relevant emergency service immediately.

For all other concerns you should complete form a Safeguarding alert Form and/or contact your local line manager.

16. If you have a safeguarding concern: DON'T:

- Panic
- Contact the alleged perpetrator
- Make assumptions
- Agree to keep secrets
- Be judgemental
- Contaminate evidence
- Ask leading questions
- Delay making the Alert to the local social services team
- Make decisions or take action without a discussion with the local social services team
- Decide whether an alert should be made or not as there may be other information you are not aware of

17. If you have a safeguarding concern: DO:

- Always alert if you think it might be a safeguarding issue/concern
- Assess the immediate risk to the individual and others including staff visiting and take steps to ensure the immediate safety of the vulnerable adult(s)
- Gather as much information as possible without asking any leading questions (use words like 'tell, explain, describe')

- Establish a level of understanding / insight / ability to make informed decisions
- Always make alerts regardless of whether the harm was intentional or unintentional.
- Remember, it is your responsibility to ensure the alert is made to the appropriate team as quickly as possible, not to decide if an alert should be made or not
- Note that it is the Adult Social Services responsibility to determine whether there should be a safeguarding investigation or not

Reassure the person by telling them that:

- They have done the right thing by sharing the information with you.
 - You are treating them seriously.
 - The abuse is not their fault (if the information is being shared by the "victim"). Be aware of the possibility of forensic evidence if the disclosure refers to a recent incident.
 - If there is a possibility that forensic evidence exists, preserve the evidence. Do not clean up.
 - Explain that you are required to share the information with your line manager, but not with other staff, volunteers or service users.
 - Reassure the person that Brighter Futures will take steps to support and where appropriate, protect them in future
 - Report the information to your line manager at the earliest opportunity
 - Make a written record of what the person has told you.
 - Do not stop someone who is freely recalling significant events; allow them to share whatever is important to them.
 - Do not ask questions or press the person for more details (this may be done during any subsequent investigation, so it is important to avoid unnecessary repetition for the person involved).
 - Do not promise to keep secrets.
 - Do not make promises you are unable to keep.
 - Do not contact the alleged 'abuser' or alleged 'victim' (depending on who is sharing the information).
 - Do not be judgmental (e.g. why didn't you try to stop them?)
 - If there is reason to believe that a crime has taken place, seek the vulnerable adult's agreement to inform the Police. The preferred option is for the vulnerable adult themselves to make this report to the police with our support
- Obtain information to form some assessment of the current and ongoing risk. Do steps need to be taken to keep the person safe? This is the first step in safeguarding - What steps have been taken to protect the person?

18. Completing the Safeguarding alert Form

Access local protocols at www.safeguarding.wales or use to the alert form within the Mega Cloud Drive.

19. Useful info:

DCC Social Services

0300 4561000: Monday - Friday 9am - 5pm

0845 053 3116: Evenings and weekends

101: North Wales Police none emergency call

BF Safeguarding advisor: _____ (2021)